

U. S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION

RICHARD PEARCY, ET AL.

CIVIL ACTION NO. 02-2257

versus

JUDGE S. MAURICE HICKS, JR.

UNITED STATES OF AMERICA

MAGISTRATE JUDGE HORNSBY

**ORDER**

For the reasons assigned in the Report and Recommendation of the Magistrate Judge previously filed herein, and having thoroughly reviewed the record, including the written objections filed, and concurring with the findings of the Magistrate Judge under the applicable law;

**IT IS ORDERED** that the Government's Motion to Dismiss (Doc. 17) is **GRANTED**. Plaintiffs' wrongful death claims are **DISMISSED** for lack of subject matter jurisdiction. Plaintiffs' survival action shall remain in this lawsuit.

**THUS DONE AND SIGNED** at Shreveport, Louisiana, this the 3d day of ~~September~~ *October*, 2005.

  
S. MAURICE HICKS, JR.  
UNITED STATES DISTRICT JUDGE